

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK**

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NISKAYUNA OPERATING CO., LLC, ET AL.

Plaintiff(s),

v.

Civil Action No.  
1 :10-CV-1265(GLS/DRH)

KATHLEEN SEBELIUS, as Secretary of the United States  
Department of Health and Human Services, DONALD  
BERWICK, as Administrator of the Centers for Medicare  
& Medicaid Services, and RICHARD F. DAINES, M.D.,  
as Commissioner of Health of the State of New York,

Defendant(s).

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**DEFENDANT SECRETARY'S  
EXHIBIT LIST**

CMS Exh. A: CMS State Survey Letter, Nov. 5, 2007;

CMS Exh. B: CMS State Survey Letter, Dec. 16, 2004;

CMS Exh. C: CMS Website Description of Special Focus Facility Initiative;

CMS Exh. D: May 11, 2010 Statement of Deficiencies ("SOD");

CMS Exh. E: May 11, 2010 Life Safety Code SOD;

CMS Exh. F: DOH- Varghese Letter, May 25, 2010;

CMS Exh. G: DOH- Varghese Letter, June 17, 2010;

CMS Exh. H: July 21, 2010 SOD;

CMS Exh. I: DOH- Varghese Letter, August 9, 2010;

CMS Exh. J: DOH - Varghese Letter, August 19, 2010;

CMS Exh. K: October 1, 2010 SOD;

CMS Exh. L: October 5, 2010 Letter from NYSDOH to Administrator Mathew Varghese;

CMS Exh. M: DOH-Varghese Letter, October 7, 2010;

CMS Exh. N: October 21, 2010 SOD;

CMS Exh. O: DOH- Varghese, October 29, 2010;

CMS Exh. P: CMS - Varghese Termination Letter, October 19, 2010;

CMS Exh. Q: Facility's October 25, 2010 Letter to DAB Requesting ALJ Hearing;

CMS Exh. R: New York Available Beds by Category Spreadsheet.

Respectfully submitted,

RICHARD S. HARTUNIAN  
UNITED STATES ATTORNEY

By:

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